

### **REMARKS**

Claims 1-19 are pending in the application. Claim 19 has been amended herein. Favorable reconsideration of the application, as amended, is respectfully requested.

Claim 19 has been amended to comply with current USPTO requirements regarding computer program claims.

#### ***I. REJECTION OF CLAIMS 1-19 UNDER 35 USC §102(b)***

Claims 1-19 stand rejected under 35 USC §102(b) based on *Asada et al.* Applicants respectfully request withdrawal of the rejection for at least the following reasons.<sup>1</sup>

Claim 1, for example, recites inter alia a first data stream in a first format and a second data stream in a second format. The first data stream in a first format corresponds, for example, to a VR-compliant stream (e.g., Fig. 1); and a second format may correspond, for example, to a video-compliant stream 20 (e.g., Fig. 2). Claim 1 further recites first and second time ranges set to define a permissible variation in the video playback duration of data units in the first and second formats, respectively. Such time ranges relate to the permissible ranges stated in the corresponding standard. For example, a last VOB playback duration with a time range of 0-1.0 second for a VR-compliant stream and a time range of 0.4 second through 1.2 seconds for a video-compliant stream.

Claim 1 further recites the step of making data units (e.g., frames)

As we understand the making step in claim 1, the data units out of the video data, e.g., frames, such that the playback duration of each of the data units falls within both the first and second time ranges; for example, within both the range of 0 to 1.0 second and 0.4 to 1.2 seconds.

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<sup>1</sup> Applicants note that Japanese Application JP 2001-197417 to which *Asada et al.* claims priority is discussed on Page 3 of the present application.

The Examiner relies on column 6, lines 44-48 of *Asada et al.* as teaching such features. However, applicants respectfully submit *Asada et al.* is merely describing the standard time range associated with a VR-compliant time range of 0.4 to 1.0 second although the last unit may have a time period of less than 0.4 second. (See, e.g., Fig. 1 of the present application). In this sense, *Asada et al.* teaches nothing more than standard VR-compliant data units. *Asada et al.* fails to teach the claimed data units, each having a playback duration falling within both of the first and second time ranges defined in the first and second formats as recited in claim 1. For example, *Asada et al.* does not appear to take into consideration making data units which fall within both of two different time ranges such as the time ranges associated with VR-complaint streams and video-compliant streams.

For sake of argument, assume the Examiner may feel that it would have been obvious to modify the teachings of *Asada et al.* whereby all the data units in *Asada et al.* may be changed to have a time period of 0.4 to 1.0 second, in relation to a reference which discloses another format (e.g., a format compliant with the DVD Video standard as discussed in the specification, in which all the data units have a time period of 0.4 to 1.2 seconds).

However, such a rationale would not be supported. In the DVD Video Recording standard, while all but last data units have a time period of less than 0.4 to 1.0 second, the last data unit permissibly has a time period of less than 0.4 second. This is because a recorder may produce a GOP having a playback time period of less than 0.4 second in the case where a recording process is stopped suddenly.

Suppose one of ordinary skill in the art modifies *Asada et al.* as proposed above, a buffer memory is necessary in preparation of sudden termination of the recording process. A recorder produces data units each having a time period of 0.4 to 1.0 second from the data stored in the buffer memory under complicated data allocation. A large buffer size is therefore necessary. For example, if data is stored in the buffer memory at a bit rate of 10 Mbps and for a time period of about 1 second, the buffer size must be more than 1 megabytes. Such modification necessitates complicated data control and

high-cost hardware. Thus, one having ordinary skill in the art would not know or be motivated to try such a combination based on *Asada et al.*

Similar comments apply with respect to independent claims 10 and 19.

Applicants therefore respectfully submit that the invention of claims 1, 10 and 19 are both novel and non-obvious in view of *Asada et al.* The remaining claims depend from such claims and may be distinguished for at least the same reasons as well as the particular features recited therein. Applicants respectfully request that the rejection be withdrawn for such reasons.

## **II. CONCLUSION**

Accordingly, all claims 1-19 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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